

2009 DRAFTING REQUEST

Bill

Received: 11/03/2009

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Pat Walsh

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Gambling - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Decker@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Selling raffle tickets by mail

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 11/16/2009	jdye 11/16/2009		_____			
/1			jfrantze 11/16/2009	_____	cdurst 11/16/2009	lparisi 03/11/2010	

FE Sent For: NONE

<END>

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/?	rryan	11/16 jld	db	11/15			

FE Sent For:

<END>

Pat Walsh - Sen Decker

11/3/09

Raffle - change law so don't
need to sell ticket fac-to-face,
so can sell by mail
(pre-printed paper ticket)

there may be a federal issue

DOT saying can't sell by mail

18 USC 1302 - prohibits mailing
lottery tickets and other gaming
material

Ryan, Robin

From: Walsh, Patrick
Sent: Tuesday, November 03, 2009 4:18 PM
To: Ryan, Robin
Subject: LRB Drafting request

Attachments: 20091029154415915.pdf

Robin,

Senator Decker would like a bill drafted to allow the groups identified in section 563.90 of the state statutes to sell raffle tickets through the mail. Current law requires that transaction to happen face to face between the buyer and seller.

The Division of Gaming cites section 563.93 (1) (d) of the State Statutes and the administrative code Game 44.03 (4) (a) as their legal authority for prohibiting non face to face sales of raffle tickets.

Attached is the information a local firefighters group provided our office.

If you have any question please feel free to contact me.



2009102915441591
5.pdf (125 KB)...

Patrick Walsh
Office of Senator Russ Decker
608-266-2502
Patrick.Walsh@legis.wisconsin.gov



FRIENDS OF THE FIFIELD FIREFIGHTERS, INC.
P. O. BOX 167, FIFIELD, WI 54524

September 28, 2009

Senator Russ Decker
6803 Lora Lee Lane
Schofield, WI 54476

Dear Senator Decker:

I am writing on behalf of our organization to solicit your help it getting some legislation or rule changes that will allow us to continue to raise funds through raffle sales done in conjunction with our two annual lawnmower racing events.

We have always sent out the raffle tickets with our news letter to members of FFFI, which includes by our rules all landowners within the boundaries of Fifield Fire District 1. In June we received a notice (enclosed) from the Division of Gaming, which prohibits us from mailing the raffle tickets as it does not meet the face to face rules.

Our sole purpose is to raise money to help purchase various items of medical and fire related equipment on a faster time table than would be available under the Town's budget provisions. The change will reduce our revenue by \$5,000.00 + for both FFFI and the Fire Department. This is a small town and has only a few retail locations to sell tickets, so the impact is to virtually end our program to help the community.

It is difficult to accept the arguments of the Division of Gaming when several of us continue to receive tickets in the mail (example enclosed). If a person does not want the tickets they can simply throw them away. There is no pressure for them to buy and we outline the purposes within the accompanying letter. Tickets are sent with both the stub (to be returned to us with their payment) and the buyer's portion to keep with all of the relevant information as required. This does in fact meet the requirements of Game 44.03 (4) (a) since the buyer has the entire ticket, fills out the drawing stubs returns them and keeps their portion of the ticket. There is absolutely nothing more that could be accomplished by having the buyer and seller "face to face" with each other. The paragraphs after (a) are way beyond reason.

I raised that point with a representative from the Gaming offices but got nowhere. To us this is a huge concern as I am sure it is for other similar organizations and truly serves no legitimate purpose or protects anyone from fraudulent actions. We will certainly appreciate your help.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert W. Plant".

Robert W. Plant, Treasurer

Notice to Licensee's – Ticket Sales

Chapter Game 44

Game 44.03 Sale of calendars and class A raffle tickets.

(4) DISTRIBUTION AND MAINTENANCE OF TICKET PORTIONS. The licensed organization shall comply with all of the following requirements:

(a) Provide buyer with the purchaser's portion of the raffle ticket, share or calendar at the time of sale.

You are required by state regulation to sell raffle tickets face-to-face in order to provide the buyer with their portion of said ticket at the time of purchase and the purchaser must be present to enter their name and address on the drawing stub portion of the ticket.

Phone, Internet, mail, and any other form of non face-to-face sales of raffle tickets are strictly prohibited by both federal and state law. Placing "Donation" or "No Purchase Necessary" on any raffle ticket is not legal and you will be in violation of your state raffle license.

If you have questions contact our office: Office of Charitable Gaming – Raffle



Drawing to be held
at Wisconsin Dells
Mid-Winter
Conference
January 31, 2010
at Noon
Donation: \$3 each
Six (6) for \$15
or (12) for \$20

The American Legion • Department of Wisconsin
P.O. Box 1000 • Portage, WI 53901-1000

**2010 Mid-Winter
Sweepstakes**
Grand Prize \$10,000
Second Prize \$2,000
Third Prize \$1,000
Fourth to Eighth Prize \$500

No purchase
necessary.
Need not be
present to win.

Return by
January 25, 2010

Raffle License
#R0009113A-00567

149305

Name _____

Address _____

City/State/Zip _____

Phone _____

149305

Return by Jan. 25, 2010



Drawing to be held
at Wisconsin Dells
Mid-Winter
Conference
January 31, 2010
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No purchase
necessary.
Need not be
present to win.

Return by
January 25, 2010

Raffle License
#R0009113A-00567

149306

Name _____

Address _____

City/State/Zip _____

Phone _____

149306

Return by Jan. 25, 2010



► Customer Support Ruling

Lotteries – Raffles

March 2002

PS-307 (601.12.3)

This Customer Support Ruling discusses the eligibility of lottery advertisements by authorized nonprofit organizations.

A question was raised as to whether raffle tickets to be mailed as part of a raffle conducted by a nonprofit organization would violate the proscription against mailing lottery tickets set forth in *Domestic Mail Manual* (DMM) 601.12.3.

As the result of an inquiry from the Postal Service, the Department of Justice notified Congress that it will no longer enforce the criminal lottery statute (18 U.S.C. Section 1302) against gambling advertisement mailers, so long as the activity advertised is legal and the mailing does not provide any entry materials. On December 5, 2000, the DMM was amended to revise the standards governing lotteries to incorporate this change.

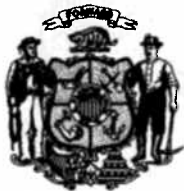
While the DMM change revised the standards governing "advertising" for legal lotteries, it did not alter the standards that "unlawful matter includes any letter, newspaper, periodical, parcel, stamped card or postcard, circular, or other matter permitting or facilitating participation in a lottery; any lottery ticket or part thereof or substitute; and any form of payment for a lottery ticket or share." (Referred to in 18 U.S.C. Section 1302 as "entry materials.")

Raffles that incorporate "prize," "chance," and "consideration" are considered lotteries under the statute and postal standards. "Tickets" for such raffles are considered unlawful mail matter and remain nonmailable.

When one or more of the three elements i.e., prize, chance, consideration, are eliminated from a raffle, the arrangement does not constitute a lottery for postal purposes. For instance, "consideration" is eliminated if persons may enter without payment of a fee. Thus, a nonprofit organization that designs a raffle where it is clear that a donation is not required (e.g. via a check box, " ☐ Please enter my name in the drawing. I do not wish to make a donation at this time") to participate in the raffle may use the mail to distribute the tickets for that raffle.

(Signed)
Sherry Suggs
Manager
Mailing Standards
United States Postal Service
Washington DC 20260-3436

e-mailed copy to
Pat 11/16/09



State of Wisconsin
2009 - 2010 LEGISLATURE

In 11/16/09

2009 BILL

3800/1
LRB-2741/1

RLR:jld:rs

↑
keep

RMNR

x Regen

1 AN ACT to create 563.93 (4m) of the statutes; relating to: raffles.

Analysis by the Legislative Reference Bureau

Under current law, a local religious, charitable, service, fraternal, veterans, or other not-for-profit organization may conduct a raffle if it obtains a raffle license from the Department of Administration. Currently, an organization conducting a raffle must provide a person who purchases a raffle ticket the purchaser's portion of the ticket at the time of the ticket purchase. This bill provides that the organization must provide the ticket purchaser the purchaser's portion of the ticket before the raffle drawing, but need not provide it at the time of purchase.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 563.93 (4m) of the statutes is created to read:

3 563.93 (4m) The organization that conducts a raffle under a Class A license
4 shall provide the purchaser of a raffle ticket or calendar the purchaser's portion of
5 the ticket or calendar before the raffle drawing, but need not provide it to the
6 purchaser at the time of purchase.

7 (END)

Duerst, Christina

From: Walsh, Patrick H.
Sent: Thursday, March 11, 2010 2:55 PM
To: LRB.Legal
Subject: LRB 3800

Could you please send the stripes over for LRB 3800.

Patrick Walsh
Office of Senator Russ Decker
608-266-2502
Patrick.Walsh@legis.wisconsin.gov